

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERRIE NEWELL,

Plaintiff,
-against-

22 CIVIL 8524 (PMH)

JUDGMENT

STATE UNIVERSITY OF NEW YORK
WESTCHESTER COMMUNITY COLLEGE,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated June 20, 2023, Defendant's motion to dismiss is GRANTED and Plaintiff's Complaint is dismissed with prejudice. While "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint...leave to amend is not necessary when it would be futile." Reed v. Friedman Mgt. Corp., 541 F. Appx 40, 41 (2d Cir. 2013) (citing Cuoco v. Moritsugu, 222 F.3d 99, 112 (2d Cir. 2000)). Here, the Court has dismissed Plaintiff's Complaint with prejudice as any amendment would be futile. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the Opinion and Order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue); accordingly, the case is closed.

Dated: New York, New York

June 20, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk